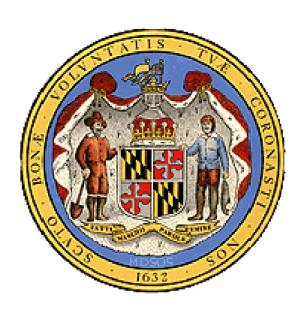
Maryland Public Information Act Manual



Office of the Attorney General

Douglas F. Gansler Attorney General

Thirteenth Edition 2014

MARYLAND PUBLIC INFORMATION ACT MANUAL

OFFICE OF THE

MARYLAND ATTORNEY GENERAL

DOUGLAS F. GANSLER ATTORNEY GENERAL

200 Saint Paul Place Baltimore, Maryland 21202

Thirteenth Edition 2014

PREFACE

The public's right to information about government activities lies at the heart of a democratic government. Maryland's Public Information Act grants the people of this State a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens.

The Attorney General's Office has long sought to ensure that the Public Information Act is implemented correctly and consistently throughout State government. The previous editions of this manual became recognized as a valuable resource for government officials seeking to meet their responsibilities under the Act and for members of the press and public seeking access to information.

Credit for this edition is owed to numerous individuals affiliated with the Office over the years in that each new edition of the Manual attempts to build on the strengths of prior editions. Special thanks, however, are owed to former Deputy Attorney General, later Judge, Dennis M. Sweeney for his work in preparing the first several editions of this manual and to former Assistant Attorneys General Jack Schwartz and Robert N. McDonald (now Judge McDonald) who assumed responsibility for subsequent editions. This most recent edition has been produced under the direction of Assistant Attorney General Adam D. Snyder, Chief Counsel, Opinions and Advice. Special thanks are also owed to Deborah P. Spence, who prepared and finalized the manuscript.

Finally, I want to thank the local government officials, members of the private bar, and representatives of the media who have offered many constructive suggestions for the manual.

This Thirteenth Edition reflects the recodification of the Act in the new General Provisions Article and includes other statutory changes through the latest sessions of the General Assembly as well as noteworthy developments in the case law and the opinions of this office. The Manual is maintained in an on-line format at http://www.oag.state.md.us/Opengov/pia.htm. I trust that you will find this new Thirteenth Edition and subsequent updates a valuable resource.

Douglas F. Gansler Attorney General October 2014

TABLE OF CONTENTS

		Page
Chapte	ar 1	
_	ope and Agency Responsibilities	1-1
	Origin	
	1. Relation to Common Law	
	2. Relation to Public Records Statutes of Other Jurisdictions	
В.	Scope of the PIA	
	1. Public Agencies and Officials Covered	
	2. Records Covered	
C.	Role of the Custodian and Official Custodian	
Chapte	er 2	
_	ght of Access to Records	2-1
Α.	Right to Inspect Records	2-1
B.		
C.		
Chapte	er 3	
_	ceptions to Disclosure	3-1
A.	Exceptions Based on Other Sources of Law	3-2
	1. State Statutes	
	2. Federal Statutes	3-3
	3. Court Rules	3-3
	4. Privileges	3-5
	5. Local Ordinances and Agency Regulations	
B.		
	1. Adoption and Welfare Records	3-8
	2. Library Circulation Records	
	3. Letters of Reference	3-9
	4. Personnel Records	3-9
	5. Retirement Records	3-13
	6. Student Records	3-14
	7. Police Reports Sought for Marketing Legal Services	3-14
	8. Arrest Warrants	
	9. Motor Vehicle Administration Records	3-15
	10. RBC Records Filed With Insurance Commissioner	3-16
	11. Miscellaneous Records	3-16

C	Required Denials — Specific Information	3-17
	1. Medical, Psychological, and Sociological Data	
	2. Home Addresses and Phone Numbers of Public Employees	
	3. Occupational and Professional Licensing Records	
	4. Trade Secrets; Confidential Business and Financial Information	
	5. Records of an Individual Person's Finances	
	6. Records Containing Investigatory Procurement Information	3-25
	7. Names and Addresses of Senior Center Enrollees	
	8. Miscellaneous Information	3-26
D	. Discretionary Exceptions	3-27
	1. Inter- and Intra-Agency Memoranda and Letters	
	2. Testing Data	
	3. Research Projects	
	4. Inventions Owned by Higher Education Institutions	
	5. Certain Proprietary Information Owned by the Maryland Technology	
	Development Corporation or Senior Higher Education Institutions	
	6. Real Estate Appraisals	
	7. Location of Plants, Animals, or Property	
	8. Investigatory Records	
	9. Records Relating to Public Security	3-38
	10. Competitive Position of the Port	
	11. University College – Competitive Services	
	12. Public Institutions of Higher Education – Personal Information	
E.	e e e e e e e e e e e e e e e e e e e	
	Exception Applies	3-42
F.	1 11	
G	• •	
Н	· · · · · · · · · · · · · · · · · · ·	
Chan	con A	
Chapt	equest Procedures	11
	-	
	Written Request	
C.	Time for Response	
	Records Not in Custodian's Custody or Control	
D E	Whitten Daniel	

Mars	vland Publi	c Information	Act Manual	(13th ed.,	October	2014
TATAT	tanu i uon		11Ct Iviaiiuai	LIDUI CU.	OCLUBER	7017

Tab]	1_	_C	<u>_</u>			4-
1 a D	ıе	OI '	CO	\mathbf{n}	еп	LS

Chapter 5	
Administrative and Judicial Review	5-1
A. Administrative Review	5-1
B. Judicial Enforcement	5-1
1. Limitations	5-2
2. Procedural Issues	5-2
3. Agency Burden	5-3
Chapter 6	
Copies	
A. Right to Copies	6-1
B. Format	6-1
C. Format of Copies of Electronic Records	6-2
Chapter 7	
Fees	7-1
A. Search and Preparation Fees	7-1
B. Reasonable Fees for Copies	7-2
C. Waiver of Fees	7-2
Chapter 8	
Remedies	
A. Liability of Agency	8-1
B. Liability of Persons Who Violate the Act	8-2
1. Criminal Penalties	8-2
2. Disciplinary Action	
3. Unlawful Disclosure or Use of Personal R	Records8-3
4. Disclosure of Certain Information to the A	Attorney General8-4
Chapter 9	
Research Access	9-1
Chapter 10	
The Right to Correction or Amendment of Pub	
A. Agency Responsibility	
B. Enforcement	
C. Regulations	

Maryland Public Information Act Manual (13th ed., October 2014)	Table of Contents
Chapter 11 Restrictions on the Creation and Collection of Personal Reco	ords11-1
APPENDICES	
A. Sample Request Letter	A-1
B. Sample Denial Letter	B-1
C. Text of Public Information Act	
D. Model Regulations on Public Information Act	D-1
E. List of Attorney General Opinions	
F. Responding to Requests Under the Maryland Public Act: A Sugg	gested ProcessF-1
G. Access to Government Records Under the Public Information Ac	ctG-1